

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: Case No. 23-42312

DEMETRIUS CORNELIA ALEXANDER, Chapter 13

Debtor. Judge Thomas J. Tucker

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ORDER DISMISSING CASE

On March 16, 2023, the Debtor filed a voluntary petition for relief under Chapter 13, commencing this case, and the Debtor also filed, among other documents, a “Certificate of Counseling” (Docket # 3), which states that **on March 17, 2022**, the Debtor received “an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.” (Emphasis added).

The Debtor is not eligible to be a debtor in this case, under 11 U.S.C. § 109(h)(1). That provision provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, **during the 180-day period ending on the date of filing the petition** by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

(Emphasis added).

The Debtor did not receive the required credit counseling briefing during the 180-day period ending on the date of the filing of the petition. In this case, the “180-day period ending on” the petition date of March 16, 2023 began on September 17, 2022. The Debtor received the credit counseling briefing on March 17, 2022, which was 364 days before the petition date in this case, and six months before the 180-day period in this case began. Because the Debtor is not eligible to be a debtor in this case, the case must be dismissed.

IT IS ORDERED that this case is dismissed.

Signed on April 11, 2023



/s/ Thomas J. Tucker

**Thomas J. Tucker
United States Bankruptcy Judge**